

## **REMARKS**

Reconsideration is respectfully requested.

### **Paragraph 1 of Office Action**

Applicants confirm the election of claims 76-90 for examination. Claims 1-9, 40-53, 68-75 and 91-111 have been canceled.

### **Paragraph 2 of Office Action**

Paragraph 2 requests that related applications US04/21371 and 10/613,518 be identified at the beginning of the specification. With respect to US04/21371, applicant notes that there is no requirement in a PCT national stage application to list the serial number of the corresponding international application. Indeed, the practice is discouraged lest the application be misconstrued as a normal filing under 35 U.S.C. 111(a). MPEP §1893.03(c). With respect to 10/613,518, there is also no need to list this application because applicant does not claim the benefit of its filing date under 35 U.S.C. §120.

### **Paragraph 3 of Office Action**

No response required.

### **Paragraph 4 of Office Action**

Claim 87-90 were objected to under 37 C.F.R. §1.75(c) due to claims 87-90 being directed to a “sensor” whereas the base claim 76 is directed to a “movement detecting device.” Claims 87-90 have been amended accordingly.

### **Paragraph 5 of Office Action**

Claim 78 was objected to on the ground that “said first and second circuits” lacks antecedent basis. Claim 78 has been amended to depend from claim 77 instead of claim 76.

### **Paragraphs 6-7 of Office Action**

Claims 87-90 were rejected under 35 U.S.C. 112, second paragraph on the ground that term “device” is unclear. Claims 87-90 have been amended accordingly.

#### Paragraphs 8-9 of Office Action

Claims 76-77 and 89-90 were rejected under 35 U.S.C. 102(b) as being anticipated by Lemelson (US 4337462). Independent Claim 76 has been amended to clarify that the control circuitry distinguishes “between opposing directions of movement sensed by said sensor along a single axis of motion.” See Fig. 29B and page 39 of applicants’ specification. In other words, the control circuitry can distinguish between movement in the +/- direction along a single axis, e.g., forward and backward, up and down, etc. This would allow the device to be placed on a door or window and be able to determine whether the door or window are opening or closing. Lemelson does not disclose this feature and thus cannot anticipate under 35 U.S.C. 102. Lemelson only discloses sensing different orthogonal directions, not +/- movement along a given axis.

#### Paragraph 10 of Office Action

Claims 76, 79 and 87-88 were rejected under 35 U.S.C. 102(b) as being anticipated by Saab (US 5736923). Independent Claim 76 has been amended to clarify that the control circuitry distinguishes “between opposing directions of movement sensed by said sensor along a single axis of motion.” See Fig. 29B and page 39 of applicants’ specification. In other words, the control circuitry can distinguish between movement in the +/- direction along a single axis, e.g., forward and backward, up and down, etc. This would allow the device to be placed on a door or window and be able to determine whether the door or window are opening or closing. Saab does not disclose this feature and thus cannot anticipate under 35 U.S.C. 102. Saab only discloses sensing different orthogonal directions, not +/- movement along a given axis.

#### Paragraph 11 of Office Action

Claims 76 and 80 were rejected under 35 U.S.C. 102(a) as being anticipated by Dutta (US 2003/0076408). Independent Claim 76 has been amended to clarify that the

control circuitry distinguishes “between opposing directions of movement sensed by said sensor along a single axis of motion.” See Fig. 29B and page 39 of applicants’ specification. In other words, the control circuitry can distinguish between movement in the +/- direction along a single axis, e.g., forward and backward, up and down, etc. This would allow the device to be placed on a door or window and be able to determine whether the door or window are opening or closing. Dutta does not disclose this feature and thus cannot anticipate under 35 U.S.C. 102. Dutta only discloses sensing different orthogonal directions, not +/- movement along a given axis.

#### Paragraphs 12-13 of Office Action

Claim 81 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson, in view of either Campman (US 5317305) or Cameron et al. (US 5811910). Independent Claim 76 has been amended to clarify that the control circuitry distinguishes “between opposing directions of movement sensed by said sensor along a single axis of motion.” See Fig. 29B and page 39 of applicants’ specification. In other words, the control circuitry can distinguish between movement in the +/- direction along a single axis, e.g., forward and backward, up and down, etc. This would allow the device to be placed on a door or window and be able to determine whether the door or window are opening or closing. Lemelson, Campman and Cameron do not disclose this feature and thus cannot establish prima facie obviousness under 35 U.S.C. 103. Lemelson only discloses sensing different orthogonal directions, not +/- movement along a given axis.

#### Paragraphs 14-15 of Office Action

Claims 76-77 and 81-89 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4 and 6-8 of U.S. Patent No. 6,940,405 in view of Lemelson. Independent Claim 76 has been amended to clarify that the control circuitry distinguishes “between opposing directions of movement sensed by said

sensor along a single axis of motion.” See Fig. 29B and page 39 of applicants’ specification. In other words, the control circuitry can distinguish between movement in the +/- direction along a single axis, e.g., forward and backward, up and down, etc. This would allow the device to be placed on a door or window and be able to determine whether the door or window are opening or closing. Lemelson does not disclose this feature and thus cannot be used to support the double patenting rejection. Lemelson only discloses sensing different orthogonal directions, not +/- movement along a given axis.

Based on the foregoing, applicants respectfully submit that the application as presently amended meets all of the requirements for patentability. Notices of Allowability and Allowance are therefore requested.

Respectfully submitted,

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